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## Appeal Decision

Site visit made on 21 January 2020

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> February 2020**

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**Appeal Ref: APP/U4610/D/19/3240459**

**6 Baginton Road, Coventry CV3 6JW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Rawlings against the decision of Coventry City Council.
  - The application Ref HH/2019/1677, dated 28 June 2019, was refused by notice dated 18 September 2019.
  - The development proposed is a two storey side and rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension at 6 Baginton Road, Coventry CV3 6JW in accordance with the terms of the application, Ref HH/2019/1677, dated 28 June 2019, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 07/02/19-01 A, 07/02/19-02 C and 07/02/19-03 B.
  - 3) The first-floor window in the north west elevation shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and shall be retained in that form thereafter.

### Main Issue

2. The main issue is the effect of the development on the living conditions of the occupants of 4 Baginton Road, with particular regard to outlook.

### Reasons

3. The proposal comprises two elements; a two-storey side extension that would replace an existing single-storey extension and a small first-floor rear extension.
4. The Coventry City Council Extending Your Home – A Design Guide Supplementary Planning Guidance (SPG) 2003 states that, generally a two-storey rear extension, which infringes a 45 degree line from the middle of the window of a neighbouring property, will be refused. It also states that a single-storey extension should not exceed a depth of 3.3m or impinge upon the 45 degree rule, whichever the greater. Although the two-storey extension would

be located on the side of the dwelling, given the property's orientation, backing onto the side elevation of 4 Baginton Road, it is appropriate that for the purposes of the SPG it is considered as a rear extension.

5. The two-storey side extension would be approximately 3.7m in depth and would impinge the 45 degree rule when measured from the nearest ground floor window in the rear elevation of No.4. However, adjacent to this window, between the window and the boundary with the appeal property, is a small, single-storey extension. Because of the projection of this small extension off the rear elevation, it restricts views of the appeal property from this ground floor window, to such an extent that it itself impinges the 45 degree rule and when a sightline is taken from the centre of the window the proposal would be obscured by this extension.
6. There is also a first-floor window directly above the ground floor window in the rear elevation of No.4. The proposed two-storey extension would impinge the 45 degree sightline taken from this window. However, the extension would be set back from the boundary by approximately 3.7m and the point at which it would impinge upon the 45 degree sightline would be approximately 10.3m from the neighbouring first floor window. Taking these factors into consideration, the slight impingement of the 45 degree sightline at first-floor level would result in only a negligible loss of outlook from the room that this first floor window serves. It would not be to such an extent that it would have an undue overbearing effect or be materially harmful to the usability of the room.
7. I have also had regard to the proposed first-floor rear extension. The Council raise no objection to this element of the proposal. Based on the evidence before me and the observations I made during my site visit, I find no reason to conclude otherwise.
8. I find therefore that the proposal would not significantly harm the living conditions of the occupants of 4 Baginton Road, with regard to outlook. As such, it would comply with Policy DE1 of the Coventry City Council Local Plan 2017, which seeks to ensure high quality design. It would also accord with the design objectives of the National Planning Policy Framework.
9. Whilst I have found minor conflict with the SPG, I do not consider that this would result in any significant harm to the living conditions of the occupants of No.4.

### **Conditions**

10. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
11. In the interests of the character and appearance of the area, a condition is necessary regarding materials to match the existing dwelling.
12. In the interests of protecting the living conditions of the occupants of No.4, a condition is necessary requiring the first-floor window in the north west elevation to be obscurely glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor. Although this condition has not been suggested by either party, I note that

the drawings submitted indicate that this window would be obscure glazed. Accordingly, no parties would be prejudiced by its imposition.

**Conclusion**

13. For the reasons given above, the appeal is allowed.

*Alexander Walker*

INSPECTOR